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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,269	04/25/2002	Michael Latarnik	AP9627	6044

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EXAMINER

SY, MARIANO ONG

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,269

Applicant(s)

LATARNIK ET AL.

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on September 26, 2003 has been received.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgdorf et al. (WO 96/02409). U.S. Patent Number 5,918,948 is presented as an English equivalent for WO 96/02409.

Re-claim 13 Burgdorf et al. discloses, as shown in fig. 1, a method of modulating brake pressure of a vehicle brake circuit, comprising the steps of: categorizing a vehicle brake circuit into a leading wheel brake circuit portion of wheel brake cylinder 17 and a following wheel brake circuit portion of wheel brake cylinder 18, determining brake pressure demands for the leading and following wheel brake circuit portions; introducing, maintaining, and reducing the brake pressure of the following wheel brake circuit portion in dependence on the leading wheel brake circuit portion, such that a pressure fluid is introduced into the following brake circuit portion in a magnitude established by way of the leading wheel brake circuit portion, see abstract, col. 4, lines 3-67 and col. 5, lines 1-28; since the leading wheel brake circuit portion is provided with

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the switching valve 9, separating valve 10 and pump 7, as clearly disclosed in Applicant's specification and fig. 1.

Re-claim 14 Burgdorf et al. discloses, as shown in fig. 1, wherein the leading wheel brake circuit portion is connected to a pressure fluid source 3,4 by way of opening of a switch valve 9, and the pressure fluid is introduced in the leading and following wheel brake circuit portions by way of a pump 7, with the following wheel brake circuit portion being separated from the pressure fluid source by a separating valve 10.

Re-claim 15 Burgdorf et al. discloses, as shown in fig. 1, wherein the leading wheel brake circuit portion is connected to an accumulator 13 and the pressure fluid is introduced into the leading and following brake circuit portions by way of a pump 7, wherein the leading and following brake circuit portions are separated from a pressure source 3,4 by a separating valve 10.

Re-claim 16 Burgdorf et al. discloses, as shown in fig. 1, further including a step of controlling the brake pressure demands of the leading and following wheel brake circuit portions by way of an inlet valve 15 of the following brake circuit portion according to brake pressure demand, wherein an inlet valve 11 of the leading brake circuit portion remains open, and outlet valves 12,16 of the leading and following brake circuit portions remain closed.

Re-claim 17 Burgdorf et al. discloses, as shown in fig. 1, wherein the brake pressure demand of the following brake circuit portion is changed by delivery out of the

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leading brake circuit portion, wherein an inlet valve 15 of the following brake circuit portion remains open.

Re-claim 18 Burgdorf et al. discloses, as shown in fig. 1, wherein brake pressure is introduced and increased compared to the brake pressure demand of the leading brake circuit portion, the inlet valve of leading brake circuit portion is closed in dependence on the brake pressure of vehicle brake circuit or in dependence on a time constant correlated to a condition variable.

Re-claim 19 Burgdorf et al. discloses, as shown in fig. 1, wherein the brake pressure in the leading brake circuit portion is discharged into a pressure fluid source 3,4 by way of vehicle brake circuit by opening a separating valve 10.

Re-claim 20 Burgdorf et al. discloses, as shown in fig. 1, wherein the brake pressure in the following brake circuit portion is discharged through a return line into an accumulator 13 by opening an outlet valve 16 when an inlet valve 15 is closed.

Re-claim 21 Burgdorf et al. discloses, as shown in fig. 1, wherein the characteristics for the steps introduction, maintaining, and reduction of brake pressure are predetermined by a pressure controller.

Re-claim 22 Burgdorf et al. discloses, as shown in fig. 1, wherein a pump 7 is controlled by way of a pulse-width modulated control signal, predetermined by a pressure controller during introduction of brake pressure into the leading and following brake circuit portions.

Re-claim 23 Burgdorf et al. discloses, as shown in fig. 1, wherein a pump 7 is operated during the steps maintaining and reducing of brake pressures by way of

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adjusting an energy supply, or rotational speed, or a conveying capacity in a predetermined basic condition.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Volz et al. (U.S. Patent Number 6,082,830) discloses a brake system having variable pump pressure control and method of pressure control.

Beck (U.S. Patent Number 6,199,961 B1) discloses a hydraulic vehicle brake system.

Dinkel (DE 4138027 A1) discloses a brake pressure regulator for vehicle hydraulic braking system.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427. The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



M. Sy

December 11, 2003



JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3683